

REMARKS

The Official Action has been carefully studied. Favorable reconsideration and allowance of the claims are respectfully requested.

I. Claim Status and Amendments

Claims 1, 3, 4, and 6-45 are pending in this application stand rejected. No claims have been allowed.

On page 3 of the Official Action, the Examiner indicates that claims 1, 3, 4, and 6-45 would be allowable if amended to overcome the indefiniteness rejection or, for the dependent claims, to include all of the limitations of the base claim and any intervening claims. Applicants appreciate the Examiner's indication of allowable subject matter.

By way of the present amendment, Applicants have amended the claims in a non-narrowing manner to overcome the objections and rejections herein. Claim 1 has been amended to replace "within" with "on", as suggested by the Examiner, to better reflect the arrangement as disclosed in the specification. Claim 3 has been amended to remove a duplicate term. No new matter has been added.

Applicants have also amended the specification, at page 9, between lines 14-15, to insert the subject matter of original claim 31 to thereby provide antecedent basis in the disclosure for language of this claim. Pursuant to MPEP §2163.06, the original claims as filed in the original specification are part of the disclosure and therefore, if an application as originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the specification may be amended to include the claimed subject matter. *In re Benno*, 768 F.2d 1340, 226 USPQ 683 (Fed. Cir. 1985). See also MPEP §608.01(o). Applicants have done so here by way of the instant amendment. Thus, no new matter has been added by this amendment.

Claims 1, 3, 4, and 6-45 are pending upon entry of this amendment, and these claims define patentable subject matter warranting their allowance for the reasons discussed herein. Favorable consideration and formal allowance of the claims is requested.

II. Objections to the Specification

On page 2, the Examiner objected to the specification on the basis that the disclosure lacks antecedent basis in the written description for 15\AA as recited in claim 31. The present amendment obviates this objection for reasons which are self-evident. Withdrawal of the objection is requested.

III. Claim Objections

On page 2, claim 3 has been objected to for containing a duplicate “wherein”. The present amendment obviates this objection by removing the duplicate term. Withdrawal of the objection is requested.

IV. Indefiniteness Rejection Under 35 U.S.C. § 112

Claim 1 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons in pages 2-3. Claim 1 has been amended in a non-narrowing manner to replace “within” with “on” to better reflect the arrangement as disclosed in the specification, as suggested by the Examiner. Withdrawal of the rejection is requested.

V. Conclusion


All issues raised in the Official Action have been fully addressed in a manner that should lead to patentability of the present application. Favorable consideration and allowance are respectfully requested.

Appln. No. 10/560,315
Amendment dated March 26, 2010
Reply to Office Action dated February 2, 2010

If the Examiner has any comments or proposals for expediting prosecution, please
contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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